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ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

UNITED STATES OF AMERICA, Plaintiff, vs. BRYANT NICHOLAS ESPINOZA, Defendant.	CR 24-26-H-BMM BRIEF IN SUPPORT OF MOTION FOR PRELIMINARY ORDER OF FORFEITURE
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The United States of America, represented by Paulette L. Stewart, Assistant United States Attorney for the District of Montana, has filed an unopposed motion for a preliminary order of forfeiture. In support of that motion, the United States sets forth the following facts:

1. On February 24, 2025, the Defendant, Bryant Nicholas Espinoza, pleaded guilty to count 1 of the Indictment, which charges possession of a firearm

in a school zone in violation of 18 U.S.C. § 922(q)(2)(A), and true to the forfeiture allegation pursuant to 18 U.S.C. § 924(d).

2. A Preliminary Order of Forfeiture is necessary in order for the Bureau of Alcohol, Tobacco, Firearms and Explosives, or its designated sub-custodian, to seize the following property, which is subject to forfeiture:

- Hi-Point, model C9, 9mm caliber pistol, Serial No. P 10038421.
- Ruger, model American, 7-08 caliber rifle, Serial No. 690920488.
- Marlin Firearms, model 917V, 17 caliber rifle, Serial No. 93622584; and
- Any associated ammunition and accessories, including:
 - a. 8 rounds assorted 9mm caliber ammunition;
 - b. 5 rounds assorted 7-08 caliber ammunition;
 - c. 8 rounds assorted 17 caliber ammunition;
 - d. 293 rounds assorted caliber ammunition;
 - e. 314 rounds assorted caliber ammunition; and
 - f. 461 rounds assorted caliber ammunition.

3. The evidence set forth in the Offer of Proof filed by the government, in conjunction with Espinoza's entry of guilty plea, provides an ample basis for an order of forfeiture in accordance with 18 U.S.C. § 924(d).

4. Pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure, the Court may enter a Preliminary Order of Forfeiture after a verdict has been returned containing a finding that property is subject to criminal forfeiture or if a defendant enters a guilty plea subjecting property to such forfeiture. Rule 32.2 does not

require the Court to await sentencing in order to commence the ancillary proceeding by entering its Preliminary Order of Forfeiture.

5. Upon issuance of a Preliminary Order of Forfeiture, the United States will provide written notice to all third parties asserting a legal interest in any of the above-described property and will post on an official government internet site (www.forfeiture.gov) for at least 30 consecutive days as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, of the Court's Preliminary Order and the United States' intent to dispose of the property in such manner as the Attorney General may direct, pursuant to 18 U.S.C. § 924(d).

Accordingly, the United States respectfully requests that this Court enter a preliminary order of forfeiture forfeiting to the United States Espinoza's interest in the property described above and ordering the Bureau of Alcohol, Tobacco, Firearms and Explosives to seize the forfeited property pending the adjudication of any third party claims and then to dispose of it in accordance with the law.

DATED this 18th day of March 2025.

KURT G. ALME
United States Attorney

/s/ Paulette L. Stewart
Assistant U. S. Attorney
Attorney for Plaintiff

CERTIFICATE OF COMPLIANCE

I hereby certify that this brief complies with Local Rule CR 47.2(c). The brief contains 473 words, excluding the caption and the certificates of compliance and service.

/s/ Paulette L. Stewart
Assistant U. S. Attorney
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of March 2025, a copy of the foregoing document was served on the following persons by the following means.

1-2 CM/ECF
 Hand Delivery
 U.S. Mail
 Overnight Delivery Service
 Fax
 E-Mail

1. Clerk of Court
2. Chad Wright
Attorney for Defendant

/s/ Paulette L. Stewart
Assistant U. S. Attorney
Attorney for Plaintiff